

Region 1
Weekly Report 05/12/2017

Hot Issues

Final NPDES Permit for Adams, MA Waste Water Treatment Plant to issue

Region 1 plans to issue a final NPDES permit for the Adams, MA wastewater treatment plant next week, replacing the existing permit that expired in 2010 but is still in effect. The permit will allow the town to continue to discharge to the Hoosic River in western MA.

The draft permit was open to public comment in November, 2016, and the only commenter was the Hoosic River Watershed Association. Their comments primarily urged further EPA and state actions to protect the existing cold water fishery. However, EPA determined that no effluent limits or schedule changes were necessary, as the limits and conditions in the draft were already stringent enough to support the fishery.

EPA is the NPDES permit authority in Massachusetts. MA DEP has co-signed the final permit, so it will operate as a separately-enforceable state permit.

Upcoming Public Events

May 23—Region 1 will conduct its annual briefing for New England congressional staff. The popular event includes presentations on region-wide issues and state breakout sessions. This year, we are adding a panel discussion with FEMA, HUD, and the Army Corps.

May 23—Region 1 will conduct a public meeting and open house with Stratford, CT residents to update the public on EPA's progress since we issued the cleanup decision last year, and to let them know what to expect in the coming months as we gear up to begin the remediation. The meeting is in collaboration with CT DEEP, CT DPH, and the Stratford Health Dept.

Upcoming Major Decisions

None this week.

Last Week Highlights

EPA finalizes package to delete Shpack Landfill site from NPL

On May 9th, EPA finalized the deletion package for the Shpack Landfill site in Norton/Attleboro, MA by signing the Notice of Intent to Delete and a Notice of Deletion.

The cleanup involved the excavation and off-site disposal of over 75,000 tons of contaminated soil and debris as well as the extension of a public water supply to nearby residences.

The Town of Norton plans to provide for passive recreational use of the property via walking trails.

The deletion notices will be published in the Federal Register. On the publication date, Region 1 will issue a press release and a notification in local publications of its intent to delete the site and the beginning of the comment period.

Region 1 to discuss Ash Street Tannery removal action soil screening results with residents

During the week of May 15, Region 1 staff will begin visiting residents in Danvers, MA to discuss soil screening results at the former Ash Street Tannery site, in anticipation of developing an action memorandum to clean up residential properties.

EPA is coordinating with local, state and federal health officials. The site was referred to EPA by the MA DEP in November of 2016.

In the early 1900s, dredge spoils from a pond were spread across the neighborhood, prior to the construction of homes. At least 16 residential properties, including a 17-unit condominium complex, have levels of arsenic, chromium, and lead above residential Removal Management Levels.

A public meeting is proposed for June, 2017.

Region 1 Issues Comfort Letters to Prospective Purchaser Near Coakley Landfill Superfund Site.

EPA issued two comfort/status letters on May 5, 2017 in connection with the private sale of property near the Coakley Landfill Superfund Site in Portsmouth and Rye, NH.

The letters were requested by the current lienholder and the prospective purchaser to facilitate the financing and purchase and sale of the property. NH DES is the supporting agency on this site.

Region 2 Weekly Report

Upcoming Hot Issues and Important Deadlines

- Four Superfund Proposed Plans to be issued during May, 2017. Region 2 is preparing to issue proposed cleanup plans for three Superfund sites in New Jersey and one in New York. The Matteo site in Gloucester County, NJ, is the location of a former battery cracking and lead reclamation facility. In addition to extensive contamination on the former factory site, large amounts of battery casings were dumped onto a nearby property that was later developed into a residential community, causing extensive lead contamination there as well. The Mansfield Trail Dump Site in Byram, NJ was used for dumping of hazardous solvents including TCE, which has contaminated the drinking water wells of nearby residences. The Diamond Head Oil site in Kearny, NJ was a former used oil reclamation facility, from which oily wastes were routinely discharged onto the ground and into surrounding wetlands. The Peninsula Boulevard site in Hewlett, NY involves a plume of PCE contaminated groundwater moving in the direction of a municipal drinking water supply well. All four proposed cleanup plans are expected to be issued before the end of May.

Upcoming Major Public Events – None planned next week.

Past Week Accomplishments

- 21st Annual Region 2 Indian Nation Leaders Meeting was held in Syracuse, NY, May 9-11. Leaders from the eight federally recognized Indian nations within Region 2 met with senior Region 2 leaders to discuss a wide range of issues of mutual interest.
- Interagency meeting held May 9 on cleanup & restoration of the Marin Pena Canal in San Juan, Puerto Rico. The meeting was held at the invitation of PR Resident Commissioner Jennifer Gonzalez (non-voting, elected member of Congress). The meeting included officials from EPA Region 2, the U.S. Army Corps of Engineers Jacksonville District, and the PR Commonwealth government. The Canal is heavily polluted and clogged; the Corps plans to dredge the waterway, which would be a major infrastructure project with great environmental benefit. The purpose was to discuss next steps for the project.
- Settlement of claims against Del Valle Group for Violations of CWA. On 4/27 Region 2 finalized and a consent order resolving a claim that the company discharged pollutants into the water without a NPDES permit. The discharges were from construction of an amusement park in Puerto Rico (which is not delegated to administer the NPDES program). An earlier stage of the settlement led to a reduction of an estimated 946,176 pounds of sediments reaching the nearby surface water. As part of the settlement the company agreed to pay a civil penalty of \$42,000.

Region 3

Weekly Report 05/12/2017

Hot Issues

Wallops Island

Update: Current sampling data shows the NASA water supply and the Town of Chincoteague (TOC) water supply do not contain detectable levels of PFOA or PFOS. NASA is prepared to supplement the TOC water supply which may not be adequate for peak season demand because 3 shallow production wells contaminated with PFOA and PFOS were removed from service. The connection from NASA water supply to the TOC is ready for use; a formal agreement is expected in the near future. Samples collected between the NASA fire training area (a known source of groundwater contamination) and a residential community west of the facility contained only traces of PFOA and PFOS. This week samples were collected from wells at the Trails End Campground and drinking water wells on a farm adjacent to the facility. EPA and VADEQ meeting with NASA next week to plan permanent perimeter wells which will be used for long term groundwater monitoring.

UPDATE - CONFIDENTIAL - U.S. District Court for the Southern District of West Virginia denies EPA's motion for stay pending appeal of the district court's order directing EPA to approve or disapprove the "constructive submission" of "no" TMDLs for 573 biologically impaired waters in West Virginia

Key Message: Disapproving the "constructive submission" will take away West Virginia's discretion in establishing TMDLs and will require EPA to establish approximately 500 TMDLs with limited resources. Currently, Region 3 has only \$250K for all TMDL work. EPA is appealing the District Court's decision and order and requested a stay pending appeal.

- On February 14, the District Court granted summary judgment, in *Ohio Valley Environmental Coalition v. McCarthy*, holding that WVDEP's deferral of TMDL development amounted to a constructive submission of "no" TMDLs for 573 biologically impaired waters in West Virginia, triggering a mandatory duty under Section 303(d) of the CWA for EPA to approve or disapprove the "constructive submission." In its order as amended, the district court ordered EPA to comply by 14 days after the Court of Appeals acts on EPA's motion to stay pending appeal.

- The 573 biologically impaired waters included certain waters identified by WV as having impaired biological communities due to elevated levels of ionic toxicity (conductivity).

- Motion to Stay District Court's Order Pending Appeal: On April 4, 2017, EPA filed a motion to stay the district court's order pending completion of the appeal. On May 2, 2017, the district court denied EPA's motion to stay.
 - On May 8, 2017, EPA filed a motion to stay pending appeal of the district court's order with the Fourth Circuit. Plaintiffs' response is due May 15, 2017 and EPA's reply is due May 22, 2017.
 - If the Fourth Circuit denies EPA's motion to stay, EPA will need to approve or disapprove the constructive submission of no TMDLs for 573 waters as early as June 5, 2017.
- Appeal: On April 4, 2017, EPA filed a notice of appeal of the district court's decision and order to the Fourth Circuit Court of Appeals. The appellate briefing schedule is:
 - Joint Appendix due May 31, 2017
 - EPA's opening brief due May 31, 2017
 - Plaintiff's response brief due June 30, 2017
 - EPA's reply brief due July 14, 2017

Region 3 Employee Receives National Association of Water Companies Award

Patti Kay Wisniewski is this year's recipient of the James McGirr Kelly Award for Excellence. This is the highest honor bestowed by the National Association of Water Companies – Pennsylvania Chapter. The award is presented each year to the person who most exemplified dedication to promoting the availability of safe drinking water in the Commonwealth of Pennsylvania. The award will be presented to Patti Kay tomorrow (May 9th) in Harrisburg at NAWC's Annual Meeting.

The Annual Award for Excellence was named for the late James McGirr Kelly, Senior United States District Court Judge for the Eastern District of Pennsylvania. Judge Kelly was a former member of the Public Utility Commission and former vice president of American Water Works Service Company, Inc. He was the first recipient of the award in 1983. Past award winners include three PA governors and four DEP/DER secretaries.

Local Foods, Local Places Technical Assistance Workshop Held in Martinsville, Virginia On May 2nd and 3rd, Region 3, through its contractor Renaissance Planning, hosted a 1.5-day workshop in Martinsville, VA as part of the Local Foods, Local Places program. The Local Foods, Local Places program aims to assist communities in creating walkable, healthy, and economically vibrant neighborhoods through the development of local food systems. Attendees included local community members, entrepreneurs, non-profits, City of Martinsville officials, planning organizations, representatives from EPA's

Office of Sustainable Communities and Region 3, and additional federal and state partners (USDA, HUD, ARC). Additionally, two local news affiliates ran stories on the workshop, and a staff representative from Congressman Morgan Griffith's office (9th District of Virginia) attended the community meeting. Martinsville is looking to revitalize the historic Fayette Street Corridor and transform the former Paradise Inn into a healthy hub, while improving community walkability, safety, and connectivity. The workshop featured a community tour and three brainstorming sessions to further discuss the community's values, vision, and goals. The resulting goals and action items will be developed into a community action plan. Martinsville was one of two communities in Region 3 selected for the Local Foods, Local Places program in 2017.

EPA Enters into Administrative Settlement with Pharmacia LLC for CERCLA Removal Action at Kanawha River Superfund Site. On May 10, 2017, HSCD Director Karen Melvin signed an administrative settlement and order on consent with Pharmacia LLC for a non-time-critical removal action at a portion of the Kanawha River Superfund Site in Putnam and Kanawha Counties, WV. The selection of the removal action was done in consultation with the West Virginia Department of Environmental Protection and the U.S. Army Corps of Engineers and was preceded by a years-long engineering evaluation/cost analysis (EE/CA) performed by Monsanto Company and Pharmacia under a 2004 Consent Order. The removal action will mitigate the release of the hazardous substance 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD or TCDD), which was a by-product of a chemical-manufacturing process used by Pharmacia, then known as Monsanto Company, at a facility it once operated in Nitro, Putnam County, West Virginia. The most significant human health risks at the Site are associated with fish consumption from the Kanawha River. The State of West Virginia previously issued a fish advisory for the River because of the presence of elevated levels of TCDD found in fish caught in the River. The selected removal action will include: (1) capping of more than nine acres of contaminated sediments within a 14-mile stretch of the Kanawha River to reduce both the mobility of these sediments and the concentrations of TCDD in bioavailable sediments, (2) long-term monitoring of TCDD levels in fish caught along this stretch of the River (i.e., monitored natural recovery); and (3) implementation of institutional controls to prevent interference with any caps installed at the Site during the removal action.

Last Week Highlights

Region 3 does not have anything to highlight this week.

Upcoming Public Events

On Monday, May 15, 2017, RA Rodrigues will be meeting with the newly appointed Delaware of Agriculture Secretary Michael Scuse in Dover, DE. Topics will include the Chesapeake Watershed Agreement, Chesapeake TMDL, and any additional subjects the Secretary would like to discuss.

On Tuesday, May 16, 2017, RA Rodrigues will welcome Ken Wagner to Region 3. Management is eager to discuss our collaborative partnership with our states. Topics will include infrastructure, redevelopment of contaminated properties, and clean air implementation to name a few.

On Thursday, May 19, 2017, RA Rodrigues will be attending the Sarah's Hope event with the Mayor Catherine Pugh in Baltimore, MD. Region 3 contributed \$75,000 worth of funding through the Green Streets, Green Jobs, Green Towns (G3) program to remove impervious surfaces and create a community playground and green space project at Sarah's Hope, an emergency homeless shelter for women and children in the Sandtown-Winchester community of Baltimore.

Region 4

Weekend Report 05/12/2017

Hot Issues

Kentucky Sanitation District No. 1 (SD1) Combined Sewer Overflows (CSOs) Schedule Dispute

Key Message:

Region 4 is working with OECA to schedule a briefing with the Administrator's staff concerning case strategy for addressing SD1's request to extend its current Consent Decree (CD) deadline for eliminating releases of raw sewage (sanitary sewer overflows or SSOs) and bringing its combined sewer overflows (CSOs) into compliance with the CWA.

- Asserting that the previously agreed-upon deadline of 2025 would impose an economic hardship on its ratepayers, SD1 requested an additional 21 years (2046) to complete work required by the CD. SD1 estimates the work will cost ratepayers \$1.5 to \$1.8 billion dollars.
- The EPA and the Commonwealth do not agree that 2046 is an appropriate extension given the threat to human health posed by the continuing CWA violations. In addition, SD1 has been unwilling to take steps to raise necessary capital for CD projects.
- The Commonwealth and the EPA have reached agreement on a counter proposal of 2039 and would like to move forward with discussions with SD1.

Hercules Incorporated (Hattiesburg, MS)

Key Message:

A settlement meeting is scheduled with Hercules LLC, DOJ, and the Mississippi Department of Environmental Quality on Tuesday, May 16th.

- This matter involves a proposed civil judicial settlement for injunctive relief and a civil penalty for hazardous waste treatment, storage, and disposal violations under the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.*, and the Mississippi Solid Wastes Disposal Law, Miss. Code Ann. §§ 17-17-1 *et seq.*, relating to the Hercules Incorporated (Hercules) Hattiesburg, Mississippi facility.
- Discussions will focus on the proposed Scope of Work for site-wide corrective action at their closed Hattiesburg MS facility.
- MDEQ and EPA have agreed to open negotiations with an initial penalty of \$4.5 million based on Hercules' failure to obtain MDEQ and EPA hazardous waste permits for two regulated units at the facility.

- The agencies would like a global settlement resolving the penalty and proposed cleanup via a Consent Decree.
- Attorneys for Hercules while agreeing to settlement discussions have indicated that Hercules would like to do more assessment under administrative orders before agreeing to a global settlement.

Technical Systems Audit – Tennessee Division of Air Pollution Control

Key Message:

By letter dated May 9, 2017, Region 4 notified the Director of Tennessee's Division of Air Pollution Control that the EPA's April 2017 Technical Systems Audit (TSA) report contains recommendations concerning the State's ambient air monitoring system. Region 4 acknowledges the State has undertaken significant corrective action and confirmed EPA's commitment to work expeditiously with the State to identify and clarify the status of all audit findings.

Upcoming Public Events

Middle Georgia Clean Air Coalition (MGCAC) Press Event

Key Message: Region 4 will attend the MGCAC press event on May 16, 2017, at the Museum of Aviation at Robins Airforce Base in Warner Robins, GA to announce a large renewable energy project to be built at the base.

- Invitees to the press event include local mayors, county commissioners, the MGCAC Chairman, several members of the Georgia Public Service Commission, the base commander, and Georgia Power.

Upcoming Major Decisions

None

Last Week Highlights

None

Region 5

Weekly Report 05/12/2017

HOT ISSUES:

Recent Communications to EPA from Flint Mayor's Office and City Councilwoman Indicate Tension Regarding the City's Future Water Source

Key Message: EPA has received separate communications from a Flint City Council member and the Mayor's office that indicate disagreement among the City's elected officials regarding the future source of the City's drinking water.

On May 5, 2017, Region 5 received a letter from City of Flint Councilwoman Kate Fields, and a follow-up email from her on May 9, accusing the Mayor of not providing the City Council and the public with enough information and time to review the Mayor's recommendation that the city continue to purchase water from the Great Lakes Water Authority (GLWA) for its long-term source of drinking water. The Councilwoman copied Michigan's U.S. Congressional delegation, Governor, and other state officials on her correspondence. In addition, the Mayor's office emailed EPA on May 10, to clarify some of the content of the Councilwoman's letter to EPA and correct misinformation. Members of Congress and elected officials from the State of Michigan were also copied on this email.

The content of these communications demonstrates a breakdown in communication within the city leadership and signals that the City Council may not support the Mayor's recommended long-term source water option. EPA supports the Mayor's recommendation since it's most protective of public health because there would be no change in the city's current source water. However, the Region's responses make it clear that EPA will not intervene on behalf of the Mayor or the Council. EPA will continue its focus on the protection of public health, including ensuring that any switches to the city's water source are properly planned and implemented as outlined in EPA's Order requirements. It is up to the city's elected officials, taking into account feedback from the public participation process, to make the final decision regarding the city's future water source.

Region 5 and Veolia Continue to Move Toward Settlement Outside of Alternative Dispute Resolution

Key Message: EPA and Veolia officials have reached a verbal settlement in principle and the Environmental Appeals Board (EAB) has removed the Veolia appeal from alternative dispute resolution (ADR).

As the result of a meeting on April 26, 2017, between Acting RA Kaplan and Doug Harris, Veolia's Sauget Plant Manager, the parties reached a verbal settlement in principle on Title 5 permit terms and conditions. On May 5, 2017, EPA sent a written draft settlement in principle to Veolia for upper management review and approval. On the same date, the EAB granted EPA's request to remove the Veolia matter from ADR due to the verbal settlement in principle. The EAB also issued an order denying the motion of an NGO to participate in the ADR due to mootness.

Region 5 is waiting for Veolia's response to the May 5, 2017 draft. Meanwhile, the Region expects to seek an extension to the May 15 stay of this matter on or before May 12.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS

Indiana Harbor Confined Disposal Facility Draft PCB Disposal Approval

Key Message: EPA has proposed an approval for the US Army Corps of Engineers to dispose of PCB contaminated sediments in a Confined Disposal Facility (CDF) located in East Chicago, Indiana.

The Region is currently reviewing comments received during the February 28-March 31, 2017 public comment period and a March 6 public meeting. Many questions were raised during public comment and the Region, in coordination with the state, plans to hold an informational meeting in June to provide answers to those questions. The Region's final decision will be made in close coordination with Indiana Department of Environmental Management after review of the public comments is complete.

2015 Ozone Designations in Wisconsin

Key Message: EPA has received and is reviewing newly submitted designation recommendations for the 2015 ozone standard.

On April 20, 2017, Wisconsin submitted revised recommendations for the 2015 ozone standard. These revised recommendations ask EPA to consider much smaller areas than have been designated for previous ozone standards. Wisconsin points to transport from other states as the basis for these revised recommendations. Region 5, along with the Office of Air Quality Planning and Standards and the Office of General Counsel, will be briefing Tate Bennett on the revised recommendations on Friday, May 12, 2017.

EPA is statutorily required to promulgate designations for the 2015 ozone standard by October 1, 2017. These designations will consider recommendations made by states and tribes. Internally EPA has shared that designations may be delayed.

PAST WEEK ACCOMPLISHMENTS:

Residences in Hartford, Illinois Experienced High Vapors in Homes Due to Extreme Rainfall Events

Key Message: Region 5 has been monitoring the response to high levels of petroleum vapor intrusion found in Hartford homes.

Due to the heavy rainfall over the past few weeks, high vapor intrusion levels have been detected at homes in Hartford, Illinois, triggering the implementation of Apex Oil's contingency plan. Over 30 homes have been screened by Apex Oil. Of the six homes rescreened due to levels of concern, one home was evacuated on May 8, 2017. The evacuation was due to sub-slab measurements registering at 99% of the Lower Explosive Limit.

EPA and Illinois EPA oversee Apex Oil monitoring and response actions required by their contingency plan.

Time-Critical Removal Initiated at Gray Container Site, Cleveland, Ohio

Key Message: On May 8, 2017, EPA mobilized contractors to address wastes at the site and to provide 24-hour security due to continued break-ins.

After being requested by Ohio EPA to assist, EPA took emergency actions to stabilize the site on March 31, 2017. Since then, additional sampling conducted by EPA and Ohio EPA has identified heavy metals and volatile organic compounds in surface soils above EPA levels. Liquid wastes within the process building were previously found to be characteristically hazardous for chloroform, trichloroethylene and benzene. There are numerous drums and at least one aboveground storage tank with unknown contents. Given the contaminants as well as the numerous break-ins, Region 5 has initiated a Time-Critical Removal and is currently drafting a Time-Critical Removal Action Memorandum to document threats at the site.

On March 30, 2017, the owner of Gray Container vacated the property as a result of an Order from the Cuyahoga County Court of Common Pleas. The Order was the result of enforcement actions taken by Ohio EPA to address numerous violations at the facility. Upon vacating the property, the owner left the facility unsecure and with liquids overflowing from a waste pit previously identified by Ohio EPA as being characteristically hazardous waste.

Region 5 Mobilized into Layer Park, Miami Township, Ohio, This Week

Key Message: Region 5's superfund program mobilized into Layer Park and cleanup work is expected to start this week or early next week, weather dependent.

Cleanup work at the site will include lead soil excavation in Layer Park and one residential property near the park. Site preparation, such as tree removal, was conducted last fall.

Both Region 5 and Ohio EPA conducted sampling at the site in 2016 and found contamination levels varied widely across the 7.5-acre site. Officials found lead concentrations at up to 60 times the safe level in some sections of the park and a residential yard. Levels of arsenic were discovered in the park at three times the health threshold. Given the sampling results, both agencies determined that cleanup work was needed on 2.5-acres of Layer Park. Miami Township closed the park in January 2016 after being informed of the lead contamination. Ohio EPA asked EPA to take over the cleanup in April 2016. Additional site details can be found [[HYPERLINK "https://www.epa.gov/oh/layer-park-site"](https://www.epa.gov/oh/layer-park-site)].

Region 6

Weekly Report 05/12/2017

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

City of Dallas

Region 6 is discussing an Interim Objection Letter with TCEQ regarding the State issued MS4 proposed permit for the City of Dallas. The permit does not adequately address pollution from the city's facility discharges into a 303(d) listed stream segment and waterbody which has a final TMDL.

Proposed Approval of Revisions to the Texas State Implementation Plan (SIP) Emissions Banking and Trading Programs for Mobile and Minor Stationary Sources

Region 6 is working closely with the Texas Commission on Environmental Quality's (TCEQ) to parallel process rulemaking to update the existing Texas Emission Credit and Discrete Emission Credit Programs to clarify and expand the provisions for emission credit generation from mobile source and minor stationary sources. The parallel process approach allows EPA to cut the approval timeline provided Texas does not receive significant public comment resulting in significant revisions to the proposed rules. Texas will submit its final rules in late August 2017.

Midessa Superfund Site, Midland, TX

EPA will request access to install monitoring wells on an undeveloped property tract owned by Cumberland and Western Resources LLC. The access enables investigation of the extent of the tetrachloroethene ground water plume migrating south from the source area.

West County Road [[HYPERLINK "x-apple-data-detectors://2"](#)]

EPA is working with the City of Midland and Midland County to assure we have an acceptable plan for alternative water supply options. The alternative water supply options will be used in the Feasibility Study to develop remedial alternatives for the Proposed Plan. The Texas Commission on Environmental Quality (TCEQ) currently maintains

filtration systems on more than 50 residences to remove hexavalent chromium from ground water produce through private water supply wells.

Announcement of Public Hearings for Proposed Outer Continental Shelf Oil and Gas General Permit

By [[HYPERLINK "x-apple-data-detectors://3"](#)], the Water Division will be publishing newspaper notices in the Houston and New Orleans papers regarding the May 11, 2017 Federal Register Notice announcing the proposed reissuance of the NPDES permit for the general permit covering oil and gas exploration and production activities in the central and western Gulf of Mexico. These Notices will also announce two public meetings and hearings to be held the week of [[HYPERLINK "x-apple-data-detectors://5"](#)][[HYPERLINK "x-apple-data-detectors://5"](#)] in the Houston and New Orleans areas.

NEPA

Gulf of Mexico Outer Continental Shelf Lease Sale 2018, Supplemental Draft Environmental Impact Statement (DEIS)

[[HYPERLINK "x-apple-data-detectors://6"](#)], Region 6 intends to issue a comment letter to support the Gulf of Mexico Outer Continental Shelf Lease Sale 2018, DEIS. The DEIS addresses the potential environmental impacts that could result from Bureau of Ocean Energy Management (BOEM) activities occurring due to the proposed scheduled Outer Continental Shelf oil and gas lease sales in the Five-Year Program of 2017 to 2022. BOEM will use this DSEIS to determine the potential environmental impacts that could result from a single proposed year in 2018 for leases numbered 250 and 251.

National Flood Insurance Program, Draft Environmental Impact Statement (DEIS)

[[HYPERLINK "x-apple-data-detectors://8"](#)], Region 6 intends to issue a comment letter supporting the National Flood Insurance Program, DEIS. The DEIS addresses the program modifications to the NFIP to (a) implement the legislative requirements of the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12) and the Homeowner Flood Insurance Affordability Act of 2014 (HFIAA); and (b) to demonstrate compliance with the Endangered Species Act (ESA). EPA HQ Office of Water has been working with FEMA as a cooperating agency.

UPCOMING PUBLIC EVENTS

[[HYPERLINK "x-apple-data-detectors://19"](#)] – The City of Houston, the John P. McGovern Museum of Health & Medical Science and the EPA will unveil the nation’s seventh Village Green Station that monitors air quality and weather conditions during a ribbon cutting ceremony.

[[HYPERLINK "x-apple-data-detectors://10"](#)] - EPA will discuss the Brownfields program at the West Central Texas Economic Development District (EDD)-hosted “Know Your Partners” Conference at Abilene Christian University in Abilene, TX.

[[HYPERLINK "x-apple-data-detectors://21"](#)] – Children’s Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event.

[[HYPERLINK "x-apple-data-detectors://22"](#)] - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address stormwater pollution discharges to surface waters.

UPCOMING DECISIONS

Brazos Island Harbor Ocean Dredged Material Disposal Site (ODMDS)

Region 6 will recommend finalization of the Brazos Island Harbor Ocean Dredged Material Disposal Site (ODMDS) Site Management and Monitoring Plan (SMMP) Revision. This is a joint EPA and US Army Corp of Engineers action and is updated every ten years to reflect modification to the use restriction for the Maintenance and New Work ODMDS to include suitable dredged material from the greater Brownsville, Texas vicinity. All dredged material from the BIH Entrance and Main navigation channels must be tested to determine its suitability for ocean disposal.

Texas Control of Air Pollution from Motor Vehicles with Mobile Source Incentive Programs

Region 6 intends to approve through a direct final rule five Texas State Implementation Plan (SIP) revisions that pertain to regulations to control of air pollution from motor vehicles with mobile source incentive programs. Mobile source incentive programs provide funding to reduce air pollution emissions by replacing, repowering or retrofitting older, higher polluting engines. Previously, EPA approved Texas’ regulations for mobile incentive programs into the Texas SIP. Texas submitted SIP revisions to update and improve the incentive program regulations for diesel vehicles, school buses, clean fleets and drayage trucks.

Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules

Region 6 intends to approve through a direct final rule Texas State Implementation Plan (SIP) revisions that will incorporate the EPA's latest definition of volatile organic compounds (VOC), align the lead reporting threshold with the EPA's Annual Emissions Reporting Rule (AERR), shorten the distance from the shoreline for applicable offshore sources to report an emission inventory, and revise terminology and definitions for clarity or consistency with the EPA's AERR.

Withdrawal of Louisiana Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery

On March 23, 2017, EPA published a direct final approval of a State Implementation Plan (SIP) revision - Louisiana Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery. The comment period closed April 24, 2017, and relevant adverse comment was received. EPA is required to address comments in a separate subsequent final rulemaking.

Texas: Withdrawal of El Paso Carbon Monoxide Limited Maintenance Plan Direct Final Approval

On March 21, 2017, EPA published a direct final approval of a Carbon Monoxide (CO) Limited Maintenance Plan for the El Paso, Texas CO maintenance area. The comment period closed April 20, 2017, and a relevant adverse comment was received. EPA is required to address the comment in a separate subsequent final rulemaking. This withdrawal action must be published in the Federal Register [[HYPERLINK "x-apple-data-detectors://17"](#)], which is the effective date of the direct final rulemaking.

PAST WEEK ACCOMPLISHMENTS

Georgia Pacific Plant, Crossett, Louisiana

EPA and ADEQ conducted a face-to-face meeting to develop a long-term strategy to upgrade the Georgia-Pacific Crossett Plant in Crossett, Arkansas which is facing a variety of community concerns, legal challenges and a Civil Rights Act Title VI petition.

Approval and Promulgation of Texas Implementation Plans - Revisions to the General Definitions for Texas Air Quality Rules

Region 6 signed a direct final rule to approve a Texas SIP revision.

Ohkay Owingeh Tribal Water Quality Triennial Review, New Mexico

Region 6 sent a letter approving the Ohkay Owingeh triennial water quality standards revision.

Pueblo of Tesuque Tribal Water Quality Triennial Review, New Mexico

Region 6 sent a letter approving the Pueblo of Tesuque triennial water quality standards revision.

PENDING ACTIONS (Pending Federal Register Publication)

Louisiana New Source Review (NSR) State Implementation Plan for Air Permit Procedure Revisions

EPA Notice of Adequacy, Houston/Galveston/Brazoria 2008 8-Hour Ozone Nonattainment Area Motor Vehicle Emissions Budgets (MVEBs) State Implementation Plan (SIP)

Final Authorization of Louisiana Waste Management Program Revisions; Proposed Rule and Direct Final Rule

Final Authorization of Oklahoma Hazardous Waste Management Program Revisions; Proposed Rule and Direct Final Rule

Petition for Hazardous Waste Management System for Exxon Mobile

Response letter to LDEQ regarding RVP in 2017

Region 7

Weekly Report 05/12/2017

Hot Issues

10th Street Site Property Transfer, Columbus, Nebraska

Key Message:

Remedial activities completed at 10th Street Site and property in process of being transferred to the City.

- In 2015, the US Army Corps of Engineers with the support from the Department of Justice facilitated the federal government's purchase the 10th Street site properties in Columbus, NE.
- R7 has been implementing the remedy in the site's ROD amendment and performed remedial activities including the demolition of the existing structures, excavation down to water table, placing of bulk potassium permanganate in the open excavation, and backfilling/restoring the site.
- The final round of in-situ chemical oxidation has been performed and remedial activities have been completed on the 10th Street Site.
- The federal government partners are now proceeding with transferring the property to the city of Columbus, a co-signer on the Superfund State Contract. The transfer is anticipated to occur in July 2017.
- R7 is also currently working with the NDEQ on environmental covenants on four parcels at the site.

Update on Missouri Flood Status & EPA Mission Assignment

Key Message: On May 14, 2017, R7's FEMA Mission Assignment to assist with orphan drum location efforts related to the Missouri flood response expires.

- Currently, there has not been a federal disaster declaration for the Missouri flooding events.
- Based on current information, there is a low probability that R7 will receive ESF-10 taskings for field operations and/or technical support.
- MDNR has issued a limited state-wide waiver, that waives some disposal and permitting regulations for the disposal of yard waste, major appliances, discharges of waste water, and the burning of woody vegetation.
- It is also anticipated that household hazardous waste, electronics goods, and other flood related debris will be managed/disposed of at the local level.
- R7's role remains focused on coordinating with FEMA, U.S. Coast Guard, and MDNR to assist with orphan drum location efforts and field collector application deployment.

MDNR Superfund Program Review

Key Message: MDNR Superfund/Brownfields Program Review completed with no significant findings.

- On May 10, 2017, a combined Superfund and Brownfields Program Review was conducted at the MDNR in Jefferson City, MO.
- The Program Review attendees included MDNR managers and staff from the Hazardous Waste Program and Brownfields Program, R7 Superfund and Brownfield Project Officers, Superfund Program Managers and Site Assessment Managers.
- In addition, there was a representative from the MDNR's General Counsel and Internal Audit Offices present during the entrance conference for the Program Review.
- The Program Review included a R7 review of activities and expenditures under MDNR's Superfund Combined Cooperative Agreement which includes CORE, Pre-Remedial and Support Agency components as well as MDNR's 128(a) Brownfields Cooperative Agreement.
- At the conclusion of the program review, R7 determined that MDNR's Cooperative Agreements have no significant issues, either technically or administratively, and that a strong collaborative relationship continues to be maintained between the state and R7.

Occidental Chemical Corporation Wichita, Kansas No Migration Petition Modification Approved

Key Message: On May 11, 2017, R7 published its approval in the Federal Register of the Occidental Chemical Corporation request to modify their existing no migration petition.

- The petition allows for the disposal of certain restricted hazardous wastes into injection wells located at the company's facility in Wichita, Kansas.
- The modification would allow the use of Well #11 as a hazardous waste injection well that would serve as a replacement for Well #4 (retired & plugged in 2008).
- R7 proposed approval of this request on December 12, 2016 allowing for a 45-day public comment period.
- On January 11, 2017, R7 hosted a public availability session for an opportunity to learn more about this proposed modification request and held a public hearing in Haysville, Kansas. Six people came to the public availability session but no one provided comments.
- R7 did not receive any public comments during the public comment period.

Kansas City, Missouri CSO & SSO Consent Decree

Key Message: On May 10, 2017, EPA Region 7 staff meet with the city of Kansas City for a semi-annual Consent Decree status meeting.

- At that meeting, the city signaled they intend to submit for R7's consideration a significant modification of the CD to provide financial relief to the rate payers.

- The city is evaluating the recommendations from the city's Rate Commission and updated sewer system models.
- A formal request will likely be submitted later this year.

Upcoming Events

Midwest Environmental Compliance Conference, Overland Park, Kansas

Key Message: On May 17, 2017, Acting Regional Administrator will participate in a panel discussion at the Midwest Environmental Compliance Conference.

- The conference will focus on environmental compliance, permitting, enforcement, and other environmental issues that impact Midwest facilities and institutions.
- The Acting RA's discussion will include the Administrator's priorities, budget and ECOS.

Last Week's Highlights

Region 7 State, Local, Tribal Air Meeting

Key Message: On May 9 – 11, 2017, R7 hosted the annual meeting of state, local, and tribal air agencies.

- The meeting brought together about 75 employees from state, local, and tribal air agency programs to discuss important air quality issues.
- The meeting highlighted coordination between federal, state, local, and tribal air programs to accomplish key objectives in state implementation plans, permitting and compliance programs.
- As the state air agencies have experienced heavy employee turnover in recent years, this meeting focused on sharing best practices to protect ambient air quality standards.
- An added feature of this year's meeting was the inclusion of the State's Small Business Assistance Programs established under the Clean Air Act Section 507 to assist small business with CAA compliance.

Region 8

Weekly Report 05/12/2017

Hot Issues

EPA and US Forest Service develop joint Non-Time Critical Removal Action for Libby Superfund Site

Key Message: This removal action will allow for continued fire preparedness within asbestos-contaminated forests near the WR Grace vermiculite mine in Montana.

Asbestos contamination in the forest could be liberated as a result of a wildfire, potentially exposing firefighters to unacceptable risk as well as impacting critical infrastructure (tailings dam and drinking water resources).

EPA's total anticipated cost for the three-year response action is \$900,000; the Forest Service's anticipated cost is \$6.9 million.

Region 8's goal is to finalize the Action Memo in May in order to implement these preparedness measures prior to the start of fire season, which begins in June.

The state of Montana and Lincoln County are supportive of this response action.

WR Grace is not supportive of this response action.

Region 8 is coordinating with OLEM. The OLEM Acting AA will sign the Action Memo.

Upcoming Public Events - None

Upcoming Major Decisions

Craig Power Station Settlement and Regional Haze SIP Action Deadline (first reported on 4/6/17)

Key Message: **Decision needed by OA.** EPA and DOJ are preparing to finalize a settlement agreement with the Craig power station owner, Tri-State Generation and Transmission Association, as well as with the Colorado Department of Public Health and Environment (CDPHE), WildEarth Guardians, and the National Parks Conservation Association. The settlement agreement has been signed by all other parties, but still needs initial EPA signature and completion of the Clean Air Act section 113(g) notice process, before EPA can provide final signature.

- Under this settlement agreement, Tri-State's existing obligation (driven by a 2014 settlement agreement that resolved 10th Circuit litigation) to install selective catalytic reduction (SCR) controls at Craig Unit 1 will be replaced by an

obligation to either shut down the unit by the end of 2025, or to cease burning coal by August 1, 2021, and convert the unit to natural gas fuel by 2023.

- The agreement is the result of months of multiparty negotiations. The company stated at the start of these discussions that its concerns included avoiding the cost of installing the SCR controls that would be required under that previous agreement.
- We have a **June 30, 2017 deadline** to act on Colorado's 2015 Craig Regional Haze SIP submission. The company has already announced closure plans that would not be consistent with installing the SCR controls required by the 2015 SIP submission.
- If we miss the deadline there is no automatic consequence, but the environmental litigants might sue to require us to act on the 2015 SIP — which neither the company nor the state wants to happen.

Last Week Highlights – None

Public Hearings on the Draft Underground Injection Control (UIC) Permits for the Dewey Burdock Uranium In-Situ Recovery (ISR) Project.

Key Message: Region 8 held three public hearings in South Dakota the week of May 8th on the draft UIC permits and associated aquifer exemption for the Dewey Burdock ISR project located in Edgemont, SD.

- Hearings were held this week in the following locations:
 - Rapid City, SD
 - Hot Springs, SD
 - Edgemont, SD
- A total of 300 people attending the hearings in Rapid City including several commenters who identified themselves as tribal members. The Chairman of the Cheyenne River Sioux Tribe and the Chairman of the Crow Creek Sioux Tribe also commented on the record expressing their concerns with the project and with EPA's consultation on the proposed action.
- Small protests have occurred outside the locations prior to each hearing.
- The comments have been overwhelming in opposition to the project.
- Press attended the hearings which resulted in several print, television and radio stories.
- The public comment period is set to end on May 19, 2017; however, EPA has received a request from the permit applicant, Powertech, USA, to extend the public comment period until July 21, 2017.

Region 9

Weekly Report 5/12/2017

HOT ISSUES / ACTION ITEMS: fyi, no action requested at this time

1. Clean Air Act: I'll sign Federal Register notices
 - a. proposing full approval of Placer County's (CA) demonstration it has implemented Reasonably Available Control Technology for all major stationary and other sources for the 1997 and 2008 ozone standards;
 - b. finalizing approval of two Imperial Valley (CA) rules and a direct final conditional approval of one rule, all relating to air permitting and New Source Review.;
 - c. proposing approval of revisions to Arizona's New Source Review permitting program, which corrects deficiencies in the program identified two years ago.

PUBLIC EVENTS / KEY MEETINGS

1. Port of Los Angeles: on Monday, I'll join the Port of Los Angeles and local elected officials at a press event with So. California's largest recycler/exporter of scrap metal, S A Recycling, showcasing a new \$6.3 million electric mobile crane, supported in part by a \$1.3 EPA DERA grant (Diesel Emissions Reduction Act). The Los Angeles and Long Beach ports focus in very innovative ways to move goods with zero- and low-emission equipment.
2. EPA's national asthma management award: on Monday, I'll present anew to the staff of the "Healthy Breathing" project the national EPA asthma award given to Esperanza Community Housing in Los Angeles.
3. Tribal training: next week in Phoenix (AZ), we'll cohost with the Colorado River Indian Tribe a weeklong training course on water quality monitoring, assessment, and watershed protection. We'll also cohost with Navajo Nation a workshop on contaminated structures, training colleagues on identifying best practices in assessing uranium-contaminated structures, use of data, and communicating results to residents.
4. Lean Six Sigma: we're hosting green-belt certification training for the States of Arizona and California as well as EPA HQ and other EPA Regional participants.

PAST WEEK'S HIGHLIGHTS

1. Job training: today I spoke at the graduation of 55 young adults from the Cypress Mandela Training Center, which receives EPA's Environmental Workforce Development

and Job Training funds. See photo. This center has received over \$1.4 million from EPA in the past 20 years graduating over 600 for careers in environmental remediation and the construction trades; some already accepted employment offers from the major No. California utility (PG&E) and various major construction firms in the area. A similar program exists in W. Virginia focused on coal miners.



Region 10

Weekly Report 05/12/2017

Hot Issues

None this week

Upcoming Public Events

Willamette River Toxics Reduction Partnership Kick-off Meeting (OR): The first meeting of the Willamette River Toxics Reduction Partnership, co-led by Oregon Department of Environmental Quality and EPA Region 10, will be held on May 24th. Meeting participants will discuss goals and priorities of the project and the structure of the group moving forward.

Upcoming Major Decisions

Approval proposed for Alaska DEC's Lead NAAQS Infrastructure Requirements (AK): The Clean Air Act requires states to submit plans known as infrastructure requirements following promulgation of a new or revised National Ambient Air Quality Standard. The R10 acting Regional Administrator signed a Federal Register notice that proposes approval of Alaska Department of Environmental Conservation's Plan for implementation, maintenance and enforcement of the lead standard. This has been forwarded to the Office of Policy for action.

Motor Vehicle Emissions Budget for Oakridge PM 2.5 Implementation Plan meets Clean Air Requirements (OR): The R10 acting Regional Administrator signed the Federal Register Notice to announce that EPA Region 10 has determined the adequacy of the Motor Vehicle Emissions Budget submitted by Oregon DEQ as part of the state implementation plan for achieving the PM 2.5 National Ambient Air Quality Standard in Oakridge, Oregon. This has been forwarded to the Office of Policy for action.

Approval of Washington's Adoption of the Revised Total Coliform Rule (WA): The R10 acting Regional Administrator signed a Federal Register notice to approve the Washington Department of Health's (WADOH) adoption of the Revised Total Coliform Rule, which the State adopted by reference. EPA revised the 1989 Total Coliform Rule (TCR) in 2013 and adopted the RTCR to improve public health protection. Drinking water primacy states such as Washington are expected to update their state rules and make them no less stringent than federal rules, and WADOH has done that. All public water systems (PWSs) must comply with the RTCR starting April 1, 2016. EPA considers total coliforms a useful indicator of other pathogens for drinking water. Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system. The FR notice has been forwarded to the Office of Policy for action.

Upcoming Approval of Alaska's Recreational water quality criteria (AK): By the end of May, EPA Region 10 plans to approve Alaska's revised water quality standards (WQS) to protect primary contact recreation in Alaska's fresh water and marine water. On January 24, 2017, Alaska's Department of Environmental Conservation submitted to EPA revised state WQS updating bacteria criteria that protect primary contact recreation in fresh water and marine water. Alaska's revisions address bacteria criteria (indicator organism, magnitude, duration, and frequency) to protect primary contact recreation in marine water, and are consistent with the Clean Water Act and EPA's current national recreational criteria recommendations. These revisions also address the BEACH Act requirements for coastal waters and Alaska will be formally withdrawn from the federal rule at 40 CFR 131.41. EPA offered tribal consultation and held an informational call with tribes on the revisions on April 4, 2017. The EPA did not receive any formal requests for government-to government consultation.

Updating the Salish Sea Statement of Cooperation (SOC) Action Plan (WA): EPA Region 10 in coordination with Environment Climate Change Canada West and North Region (ECCC WNR) will be sharing in early June a draft of an updated shared Action Plan (2017-2020) and offering consultation with Puget Sound Tribes before finalizing later this summer. The updated plan includes actions for supporting information exchange, and strengthening coordination – examples include co-planning the bi-annual Salish Sea Ecosystem Conference in 2018 and improved information sharing around transboundary issues. The Puget Sound basin is the southern portion of a larger "Salish Sea" basin that extends well into British Columbia, Canada. To foster ongoing cross-border communication on our respective programs that impact this transboundary ecosystem, EPA and ECCC established a SOC on the Salish Sea ecosystem in the year 2000. Every 2-3 years EPA and ECC WNR update the SOC Action Plan.

Last Week Highlights

Hanford Nuclear Reservation/PUREX Tunnel Collapse (WA): On May 9, 2017, a soil subsidence was identified during a routine inspection of the Department of Energy (DOE) PUREX (Plutonium-Uranium Extraction Plant) railroad tunnels at the Hanford 200 East Area, near Richland, Washington. Regulated under RCRA, the tunnels provide long-term storage of failed process equipment from plutonium processing at Hanford. The area of the collapse was approximately 20 feet by 20 feet. DOE was the lead federal agency for emergency operations this week, which included: Securing the site with a temporary shelter in place for workers; air monitoring and sampling; and crews filling the hole in the tunnel near the PUREX with soil. Approximately 50 truckloads of soil or 550 cubic yards of soil was used to fill the hole. EPA had an On-Scene Coordinator in the EOC to coordinate and communicate activities and provide assistance. On 10 May 2017, the Washington Department of Ecology issued the DOE an Administrative Order under Chapter 70.105 Revised Code of Washington (Hazardous Waste Management Act) and the Hanford Facility Resource Conservation and Recovery Act Permit. The Order states that Ecology has determined one or more violations have occurred and corrective actions must be taken. The Hanford Emergency Operations

Center indicated that the Operational Emergency was terminated on May 11, 2017. Access to portions of the Hanford Site 200 East Area will continue to be restricted until additional near term actions are completed to ensure safety.

Northern Oilfield Services Inc. Tabletop Exercise (AK): This week EPA Alaska On-Scene Coordinators participated with State counterparts in a tabletop exercise based upon a response to a discharge of fuel on the North Slope. The scenario involved the discharge of 18,000 gallons of ultra-low sulfur diesel from an aboveground storage tank. Objectives of the exercise include, proper establishment of an Incident Management Team with Unified Command, evaluation resources of tactics to support the response, and development of an Incident Action Plan through a full planning cycle.

Shell's Environmental Monitoring Program (EMP) in the Arctic Ocean (AK): Shell Oil recently submitted a comprehensive EMP Report summarizing the results of a two-year study designed to assess the impacts of oil and gas exploration discharges to the marine environment before, during and after drilling has ceased. Shell was required to complete the study under the Chukchi Sea Exploration NPDES general permit and conducted this monitoring effort during the 2015 and 2016 open water seasons. EPA staff worked closely with Shell during the development of the EMP Plan of Study and subsequent monitoring reports. The final EMP report adds to our knowledge about discharges from exploration activities in the Arctic Ocean. EPA has determined that Shell has satisfied all of the requirements of the EMP. We understand Shell intends to follow up with a request for termination of permit coverage.

Statement of Cooperation (SOC) Alaska Native Claims Settlement Act (ANCSA) Contaminated Lands Committee Meeting (AK): Last week this new committee met in Anchorage to develop a plan for responding to the recommendations in the *Report to Congress: Hazardous Substance Contamination of Alaska Native Claim Settlement Lands in Alaska*. Representatives from the Alaska Department of Environmental Conservation, EPA, Army Corps of Engineers, US Fire Administration, Department of Interior, Bureau of Land Management, Federal Aviation Administration, Coast Guard, and the Denali Commission participated in the meeting. The committee devised a plan for updating the current inventory of contaminated lands by August 2017, developing a methodology for prioritizing sites, and outlined next steps for the Denali Commission to engage Native Corporations.

Corvallis Residential Mercury (OR): Late on Friday, May 5th, the Oregon Department of Environmental Quality requested EPA assistance in responding to a release of elemental mercury at a single-family residence in Corvallis, Oregon. Due to concerns about health impacts from mercury vapors, the American Red Cross provided temporary housing and other assistance to the family. EPA also provided immediate advice on methods to limit the spread of contamination and personal protection measures such as immediately washing skin and bagging all clothes that may have come into contact with the mercury. EPA's On-Scene Coordinator arrived on scene with technical support contractors early Saturday, May 6th, and immediately began assessing the extent of contamination and potential impacts. Due to the prudent initial actions by the family, the contamination was limited to the immediate spill area, some household materials and

garbage, and clothing. Two family dogs also had contamination on their paws and body; and with the advice and assistance of a local veterinarian, the dogs were successfully decontaminated. The homeowner's insurance company hired a cleanup contractor who conducted the necessary cleanup actions under EPA oversight. EPA demobilized from the site on Sunday and the family was able to return to their home.

OCIR

Weekly Report 05/12/2017

Upcoming Hot Issues and Important Deadlines

IG's Semiannual Report to Congress due to be transmitted to Congress by 5/31/2017

Environmental Workforce Development and Job Training Grant announcement

5/16/2017

Brownfields Assessment, Revolving Loan Fund and Cleanup Grants announcement

Week of May 22

Upcoming Events

May 16 - Per a request from U.S. Senator Cory Gardner (R-CO), on Tuesday, Council President Steve Nawrocki and other Pueblo local officials will meet with EPA to discuss difficulties in meeting EPA's Selenium Standards. City Manager Sam Azad, as well as the city's Director of Water and Wastewater, Nancy Keller, will be among the delegation. Region VIII staff will join OIR and the Office of Water for the meeting.

May 18 - EPA will meet with Hamilton County Commissioner Todd Portune to discuss increased flexibilities under Integrated Planning and Permitting for CSO communities under the Clean Water Act. The Office of Water, Office of Enforcement and Compliance Assurance, and Region V will join OIR for the meeting.

May 18 - Water Quality and Integrated Planning; House T& I, Subcommittee on Water Resources and Environment- EPA providing a written statement for the record

May 19 – Legislative hearing on Drinking Water Infrastructure; House Energy and Commerce, Subcommittee on Environment; No EPA witness- EPA providing written statement for the record

Past week accomplishments

May 8 – EPA participated in a tour for Rep. Debbie Dingell (MI) of the EPA's National Vehicle and Fuel Emissions Laboratory in her district in Ann Arbor, MI.

May 9-11 – OPA and OCIR are hosted the National Public Affairs Directors, Regional Congressional Liaisons and the HQ Communications Directors meeting at the HQ offices.

May 10 - The **National Governors' Association**, the National Governors' Association hosted EPA for an outreach meeting on EO 13777, Enforcing the Regulatory Reform Agenda. OCIR and OP provided background information on the Agency's plans to implement the EO and seek input and assistance from the governors' representatives to identify existing regulations that may be candidates for repeal, replacement, or modification.

May 11 – House T&I bipartisan staff were briefed on WIFIA implementation w/OW the committee staff.

May 11 - The Local Government Advisory Council (LGAC)/*Air, Climate and Energy* workgroup will meet via teleconference. The Workgroup will provide input on concerning Executive Order 13777, Enforcing the Regulatory Reform Agenda, on regulations that may be appropriate for repeal, replacement or modification.

May 11 - *LGAC's Executive Committee* will met to discuss Workgroup comments on Executive Order 13777, Enforcing the Regulatory Reform Agenda.

May 11 Pesticide regulation and PRIA; Senate Agriculture; Rick Keigwin, Acting Director of the Office of Pesticides Programs testified before the committee. The hearing emphasized the importance of reauthorizing PRIA and the importance of food safety and farmworker protection.

Ongoing activities

OCIR worked with the Office of Air and Radiation staff to draft written testimony for Administrator Pruitt to submit to the House Energy and Commerce Committee on H.R. 806, Ozone Standards Implementation Act of 2017. Senior management review in the Office of the Administrator is underway. The testimony will then undergo OMB interagency review and be finalized in advance of a committee markup on the bill, which is not yet scheduled.

OW
Weekly Report 05/12/2017

Hot Issues

“Waters of the United States”: The step 1 proposed rule is currently undergoing interagency review at OMB and we are awaiting comments. Next week, we anticipate launching a new website dedicated to the two-step rulemaking process, including relevant guidance and Supreme Court decisions that guide the agencies’ implementation of “waters of the U.S.” during the Sixth Circuit stay and proposed re-codification of the 1986 regulations. Also next week, in support of our federalism and tribal consultation efforts, we will brief the National Governors Association and governors’ staff, meet again with the Local Government Advisory Committee, and hold our second national webinar for our tribal consultation.

Lead Modeling FRN: Next week, we anticipate sending to the OFR for publication, a notice announcing the eight final peer reviewers assembled by Eastern Research Group, Inc. (ERG) for the external peer review of EPA’s “Proposed Modeling Approaches for a Health-Based Benchmark for Lead in Drinking Water” (lead modeling report), and the date and location of the peer review meeting. To provide the public within 30 days advance notice of the peer review meeting, the notice must be to the OFR for publication by May 22.

Upcoming Public Events

National Utility Contractors Association Washington Summit: On Tuesday, Mike will speak at NUCA’s Washington Summit on the future of water infrastructure. NUCA is America’s oldest and largest trade association of excavation and utility contractors with approximately 1500 member companies nationwide who construct primarily utility infrastructure and also produce supplies and equipment for building infrastructure.

American Sustainable Business Council: Next week, Mike will meet with members of the ASB Council.

The ASB is a network of businesses and business associations supporting a more sustainable economy. The Council spans a network of business associations which represent over 200,000 businesses and 325,000 business executives, owners, and investors.

Last Week Highlights

Puerto Rico SRF: EPA and USDA held a very productive meeting with PRASA, AFFAF and PROMESA to discuss options for restructuring PRASA’s debt to the SRFs and USDA RUS. PRASA’s Fiscal Plan recently approved by PROMESA was discussed as well as PROMESA’s recommendations which PRASA will incorporate into their Fiscal Plan. EPA and USDA presented options to PRASA for restructuring PRASA’s debt to the SRFs and USDA RUS. The Agency was firm in recommending that appropriate mechanisms are in place to prevent similar meltdowns in the future. PRASA is meeting with their senior bond holders but plan to contact EPA and USDA next week to continue

discussions on the EPA and USDA options. EPA, USDA and PRASA hope that compromise can be reached before the EPA and USDA forbearance agreements expire on June 30, 2017

NACEPT Approval of Assumable Waters Subcommittee Report: At the National Advisory Council for Environmental Policy and Technology (NACEPT) meeting this week, the Assumable Waters Subcommittee provided an overview of its recommendations report on how the EPA can best clarify which waters a state or tribe assumes permitting responsibility under the Clean Water Act (CWA) section 404 program. NACEPT considered the recommendations and approved the report at the meeting. NACEPT plans to expeditiously convey the recommendations to the Agency. The subcommittee's report was posted to the NACEPT webpage.

WIFIA:

This week, OW and OCIR participated in a WIFIA briefing for House Transportation and Infrastructure, Water Resource & Environment bipartisan staff, focusing on the Letter of Interest review process.

OLEM
Weekly Report 05/12/2017

Hot Issues

1. **Hazardous Waste Generator Rule Litigation.** The rule was finalized in November 2016. OGC and DOJ recommend that the litigation be held in abeyance. The rule is scheduled to become effective May 30. The petitioner brief is due June 5.
2. **National Priorities List (NPL), Spring 2017 package of proposed sites and final sites.**
3. **Coal Combustion Residuals (CCR) Guidance.**
 - (i) ASTSWMO comments on the draft guidance are requested by tomorrow (May 12).
 - (ii) OLEM reps will be on the ECOS Waste Committee's call tomorrow (May 12) to seek ECOS feedback. ASTSWMO will also join on the ECOS call.
 - (iii) OLEM reps will confer with OP regarding next steps on OMB interaction. This week, Jim Laity of OMB indicated that OMB would likely want to formally review the draft guidance under EO 12866. On the other hand, he didn't say how long OMB would need for the review, and he seemed open to us using the guidance even while it is undergoing OMB review. We continue to target having a product that has at least cleared OLEM by June 8 or 9.
4. **Brownfields Legislation.** OLEM reps are conferring with OCIR on how to respond to a request for written comments on Brownfields legislation.

Upcoming Public Events

1. **Upcoming Brownfields Program Funding Announcements.** We are working with OPA to see if we can announce the Environmental Workforce Development and Job Training grant selections as early as May 16, and the Brownfield Assessment and Cleanup grant selections as early as May 22.
2. **Interstate Mining Compact Commission (IMCC) [not a public meeting].** On May 16, OLEM reps will meet with the IMCC and their stakeholders in Denver, Colorado to discuss the proposed CERCLA 108(b) Hardrock Mining Rule.
3. **Construction & Demolition Recycling Association [not a public meeting].** OLEM reps are meeting with the Executive Director of this organization on May 18.

Upcoming Major Decisions

1. **NPL** -- see above.

2. **Risk Management Program Rule.** The public comment period ends on May 19, regarding the proposal to delay the effective date. A final rule would be issued before June 19, the current effective date of the RMP final rule.
3. **Hanford Reservation Upcoming Record of Decision.** Based on the recent revised CERCLA delegation of authority for remedy selection, OLEM will work with Region 10 to brief the Administrator on the Department of Energy Hanford 100-D & H Area Record of Decision (ROD). The ROD will address groundwater and many waste sites in the Hanford 100 Area. The draft preferred alternative for soil is the removal, treatment, and disposal of contaminated soil from waste sites, and institutional controls. For groundwater, the draft preferred alternative is to expand the existing pump and treat system along with monitored natural attenuation. The estimated cost of the preferred remedy is \$375 million, which includes costs for work already performed as well as additional work outlined in the ROD.

Last Week Highlights

1. **Administrator's CERCLA Delegation Package.** OLEM helped develop the CERCLA delegations package that the Administrator signed and announced this week.
2. **OLEM Reg Reform Meeting.** On May 9, OLEM held its public meeting to implement Executive Order 13777. We expect to meet the deadline for our package that is due May 15.
3. **Hazardous Waste Generator Rule Litigation.** The rule was finalized in November 2016. The Agency has been sued. We are working with OGC (who is working with DOJ) as well as OECA. We plan to agree to a proposal for the litigation to be held in abeyance and settlement discussions to be held.
4. **International CBRN CONOPS.** On May 2, the National Security Council finalized the federal government's Concept of Operations (CONOPS) for International Chemical, Biological, Radiological, and Nuclear (CBRN) Response. OLEM reps worked with OHS and others across the Agency in commenting on the CONOPS in draft. Under the CONOPS, the State Department will frequently lead overall US response. Three of the CONOPS's ten functions relate to areas where EPA could be called upon: Situational Assessment, Control of Hazardous Materials Releases, and Restoration of Critical Infrastructure and Services.

OCFO

Weekly Report 05/12/2017

Hot Issues

None at this time.

Upcoming Public Events

OMB just announced the release of the budget has been moved from May 22 to May 23. The agency continues to develop and finalize budget materials, including OMB clearance as well as developing fact sheets to support both the budget release and congressional hearings.

OCFO is working with NPMs to address OMB comments on the FY 2016 Agency Performance Report and FY 2018 performance measure targets and is also working with OLEM and OECA to address comments from the Chief of Staff regarding FY 2018 Superfund targets.

On May 12, OCFO plans to submit to OEX for the Administrator's signature next week a required statement in the budget which provides assurance that performance reporting data are as reliable and complete as possible.

Upcoming Major Decisions

OCFO provided Straw Back-to-Basics Strategic Plan Framework developed by agency core team to the Administrator for review this weekend. Based on feedback, the core team will adjust the Framework for approval of the Administrator prior to sharing with agency senior leadership.

OCFO developed a straw set of quarterly performance metrics for the Administrator and a mock-up quarterly reporting dashboard to share with Chief of Staff for his review.

Based on feedback, we will adjust metrics and quarterly reporting mock-up and proceed to gather data for piloting the effort.

Last Week Highlights

Treasury's soft launch rollout of additional Federal agency contracts and grants spending data required by the DATA Act occurred on May 9 and is available at [[HYPERLINK "https://beta.usaspending.gov/"](https://beta.usaspending.gov/)]. To date, EPA has not received any public inquiries on our data.

OCFO conducted "Risk Based Decision Making at EPA" training for more than 180 agency management integrity advisors, NPM/regional planners, and risk liaisons to clarify roles, responsibilities, and expectations for this year's integrated strategic review and management integrity processes.

Other

OCFO is preparing the FY 2017 Operating Plan based on recent decisions communicated by the Chief of Staff. The Agency must submit a FY 2017 Operating Plan to the Hill by June 5, including 5 days for OMB review and approval.

OECA

WEEKLY REPORT 05/12/2017

HOT ISSUES

Black Elk Energy to Plead Guilty in Fatal 2012 Gulf of Mexico Oil Drilling Platform Explosion – In November 2012, an explosion and fire occurred on an oil production platform killing three employees and injuring several others. The explosion also caused the release of approximately 500 barrels of crude oil into the Gulf of Mexico. On May 12, 2017, Black Elk Energy (BEE) is set plead guilty in the Eastern District of Louisiana to violating eight felony counts of the Outer Continental Shelf Lands Act (OCSLA) and one count of violating the Clean Water Act. BEE will pay a criminal fine of \$4.2 million. (In an earlier plea in the same case, contractor Wood Group PSN admitted that its employees were negligent in the way they authorized hot work on the platform and pled guilty to violating the Clean Water Act and False Statements. Wood Group PSN was ordered to pay a \$9.5 million criminal fine.) Other defendants remain pending trial.

Fiat/Chrysler Complaint - Informational: On May 19th, DOJ plans to file a civil complaint on behalf of the EPA against Fiat Chrysler Automobiles (FCA) to address the failure to disclose engine management software in certain light duty diesel vehicles. The timing is driven by the desire to timely join and fully participate in the multi-district litigation (MDL) in the N. Dist. of California. We have recently received a request from FCA to delay filing, and are discussing that request with Byron Brown, Justin Schwab, Mandy Gunasekara, and DOJ.

Volkswagen Litigation: Under the first partial settlement with VW (October 2016), the company is required to buy back or -- if it can meet criteria for technical modifications to the vehicles -- offer an “Emissions Modification” on its 2009 – 2015 diesel vehicles. As early as May 12, Volkswagen will publicly withdraw its proposed Emissions Modification for approximately 7,200 Passat vehicles with a manual transmission, and will buy-back those vehicles. Per the settlement agreement, those vehicles will be scrapped, with no option for resale or export (except as parts). Concurrently, the EPA and the California Air Resources Board will approve Volkswagen’s proposed emissions modification for the remainder of the 2012-2013 model year 2012-2013 Passats (those with an automatic transmission).

UPCOMING PUBLIC EVENTS

OECA Acting Assistant Administrator to Speak at ABA Environmental and Energy Litigation Committee CLE: On May 18th, OECA Acting AA Larry Starfield and Acting Assistant Attorney General Jeff Wood will speak at a Regional CLE program in Washington, D.C. hosted by the ABA Environmental & Energy Litigation Committee. The expected audience is environmental and energy regulatory counsel and litigators. This event is open press.

Meeting with Department of Defense on Environmental Issues: On May 12th, OECA's Federal Facilities Enforcement Office is meeting with Maureen Sullivan, Director of Environment, Safety and Occupational Health at the Office of the Secretary of Defense to discuss common issues including compliance challenges across the services, and to explore how to expeditiously resolve disputes to ensure environmental compliance and cleanup, reuse and redevelopment at federal facilities.

UPCOMING MAJOR DECISIONS

*Case-specific deadlines are noted in our Daily Enforcement Report to Ryan Jackson.

LAST WEEK'S HIGHLIGHTS

RINs Criminal Indictment: Last week, Keystone Biofuels, Inc. and two of its officers were indicted in the Middle District of Pennsylvania on conspiracy and false statements charges for participating in a scheme that generated over \$10 million in EPA renewable fuels credits (RIN credits). The conspirators are alleged to have participated in a scheme to fraudulently claim RIN credits on non-qualifying biodiesel fuel. The fuel produced by Keystone allegedly did not meet standards required to claim the RIN credits. The conspirators also allegedly generated fraudulent documentation and manipulated samples to be sent to laboratories for testing as part of their scheme, and allegedly made false entries into an EPA tracking system in violation of the Clean Air Act. (DOJ issued a press release, but consistent with their past practice, they do not include EPA or DOJ quotes in press releases on the indictment phase of a case.)

OITA

Weekly Report 05/12/2017

Hot Issues

EO 13777 Tribal Outreach: OITA's American Indian Environmental Office held its second National Tribal Outreach Call meant to solicit information from tribal governments, tribal government officials, and tribal organizations on Executive Order 13777: Enforcing the Regulatory Reform Agenda.

- The call included 100 tribal participants and EPA staff who were on-hand to respond to specific questions.
- There were questions on how the regulatory reform process will proceed, including who will form the regulatory task force and what regulations will be subjected to review.
- The participants expressed the need for additional time to ensure that tribes and tribal representatives can comment appropriately and provide detailed responses.
- The participants emphasized the key role that EPA regulations have played in supporting human health and environmental protection in Indian Country, and the need to include Environmental Justice framework in any analysis of regulatory impacts.
- Specific concerns were raised regarding evaluating the Clean Air Act using a cost-benefit framework, any modification to the Clean Water Act would further impact tribal subsistence diets, and the role of EPA in evaluating harmful impacts of resource extraction activities in Alaska.

G7 Environment Ministerial Preparatory Meeting: OITA represented the United States at the last formal meeting to prepare for the upcoming G7 Environment Ministers Meeting (EMM), scheduled for June 10-12 in Bologna, Italy.

- Concepts important to the U.S. were captured in the draft communique, including the need for private sector collaboration on environmental policy-making; the role that environment can play in spurring economic growth and creating jobs; and the importance of access to capital to finance environmental infrastructure.
- We had positive exchanges with other G7 countries on reducing marine litter and improving resource efficiency which was also captured in the communique.
- We conveyed that the U.S. climate policy is currently under review and therefore we could not support the inclusion of climate language in the communique.
- A meeting with the White House lead on the G7/G20 negotiations is being scheduled in late May before the Environment Ministers Meeting.

Upcoming Engagements

- Meeting with the Administrator and German Minister of Environment, Nature Conservation, Building and Nuclear Safety, Barbara Hendricks, on May 16 to discuss bilateral cooperation on air quality, and she is expected to raise the Paris Agreement.

Past Week Accomplishments

U.S. Arctic Council Meeting: Secretary Tillerson and Foreign Ministers of the other eight Arctic States are meeting in Fairbanks, Alaska for the tenth biennial Arctic Council Ministerial meeting and to mark the 20th anniversary of the Arctic Council.

- The Arctic Council Ministerial will feature three EPA/OITA-led deliverables submitted through the Council's Arctic Contaminants Action Programme (ACAP), which are: 1) Report on *Reduction of Black Carbon from Diesel Sources in the Russian Arctic – Tundra Reindeer Farm*; 2) *Framework on the Circumpolar Expansion of the LEO Network*; and 3) Report on *Circumpolar Best Practices: Policy and Financing Options for Black Carbon Emissions Reductions from Diesel Sources*.
- These projects represent the bulk of ACAP's accomplishments during the U.S. Chairmanship and demonstrates progress on critical environmental and infrastructure issues.

U.S.-China Environmental Industries Forum: Representatives from EPA, Department of Commerce (DOC), China's Ministry of Environmental Protection (MEP), Chinese Provincial Environmental Protection Bureaus, and U.S. and Chinese companies met at the 4th Environmental Industries Forum to discuss policies and technical solutions related to land contamination and remediation.

- The U.S.-China Environmental Industries Forum is organized by EPA, DOC and MEP under the U.S. – China Joint Commission on Commerce and Trade, and highlights market opportunities to address environmental challenges.
- This year's Forum was held in New Orleans and site visits to the Bayou Bonfouca Superfund site and Brownfield redevelopment projects were arranged by EPA Region 6, Louisiana Department of Environmental Quality, and local government officials to showcase public-private partnerships and the economic benefits of land reuse and revitalization.

OAR

Weekly Report 05/12/2017

Upcoming Hot Issues and Important Deadlines

Moving Forward on Renewable Fuel Standard (RFS) Proposed Rule for 2018

volumes: This week we concluded internal review of the proposed rule package and submitted it to the Office of Management and Budget. Today we briefed OMB and the interagency reviewers on the proposed rule package. OMB now will begin formal review of the proposed rule under Executive Order 12866.

Upcoming Meetings, Public Events, or Other Public Releases

EPA Regional Air Division Director meeting: The regular, semi-annual meeting of the Air Division Directors (ADDs) from each of the EPA Regional Offices will take place in Chicago next week, from May 16-18th. Senior managers from across OAR will be attending, and we look forward to discussions with the ADDs on a range of air issues.

Issuing Final Updated ENERGY STAR Specifications for Commercial Ice Makers: As early as the week of May 15th, EPA will finalize the third version of its commercial ice maker specification, which will take effect January 28, 2018. This new specification makes more stringent the ENERGY STAR efficiency requirements in light of the forthcoming minimum efficiency standard from the Department of Energy. During the development of this specification EPA sought feedback from a wide range of stakeholders through three draft specifications, two stakeholder webinars, and numerous meetings with individual stakeholders.

Upcoming Decisions

For Administrator's signature – Stay Notices for Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG):

EPA is initiating a review of the 2016 MSW Landfill NSPS and EG. In the near term, we will be moving two stay notices forward for the Administrator's signature. The first of the notices will be a 3-month stay (using authority in Clean Air Act section 307). The second of the notices will be a proposal to extend the stay for additional time beyond 3 months. We anticipate the notices will be to the Administrator's office for review/signature next week so that they can be signed and published in the Federal Register by May 26th. (Note: publication by this date is necessary in light of the May 30th deadline for states to submit plans in accordance with the EG pursuant to section 111(d) of the Clean Air Act.)

For Administrator's signature – Stay Notices for Oil and Natural Gas New Source Performance Standards (NSPS): EPA is initiating a review of the 2016 Oil and Natural Gas NSPS, as directed by the President in Executive Order 13783. In the near term, we will be moving two stay notices forward for the Administrator's signature. The first of the notices will be a 3-month stay (using authority in Clean Air Act section 307) of the fugitive emissions requirements in the rule, which are scheduled to go into effect on June 3, 2017. The second of the notices will be a proposal to extend the stay for additional time beyond the 3 months and to expand the scope of the issues being stayed. We anticipate the notices will be to the Administrator's office for review/signature next week so that they can be signed and published in the Federal Register by June 2.

Recap of the Past Weeks

Actions sent for Administrator's signature:

Reconsideration of Aspects of the 2016 New Source Performance Standards (NSPS) for Municipal Solid Waste Landfills, and a Stay of the Effective Date for both the NSPS and the Emission Guidelines. In a letter in response to several administrative reconsideration petitions, EPA is noting its intent to reconsider certain aspects of the 2016 NSPS for the municipal solid waste landfills and its intent to issue a 3-month stay of the effectiveness of both the NSPS and the emission guidelines.

Scrubgrass Generating Station Title V Petition Response: There is a May 12th deadline for the Administrator's signature on an order responding to a petition requesting that the EPA object to a permit issued by Pennsylvania Department of Environmental Protection (PADEP) to the Scrubgrass Generating Station in western Pennsylvania.

Letter to Louisiana Regarding the State's Request to Relax the Federal RVP Standard: In response to an April 10th letter from Louisiana, we are sending a letter to the State in which we indicate that once the state has demonstrated that it does not need low RVP fuel for attainment, OAR would begin the process to legally change the standard, and OECA would act consistent with OAR's action (once the action is proposed).

Air Quality Designations for the 2012 Primary Annual Fine Particle (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) for Areas in Tennessee: This final action designates as Unclassifiable/Attainment the remaining undesignated areas in the state of Tennessee for the 2012 primary annual PM_{2.5} NAAQS.

EPA Staff are Finalists for the 2017 Samuel J. Heyman Service to America Medal for Homeland Security and Law Enforcement: As you probably have heard, the Volkswagen enforcement and settlement teams from OAR, OECA, and the Department of Justice were selected as finalists for the 2017 Samuel J. Heyman Service to America Medal for Homeland Security and Law Enforcement. Byron Bunker from OAR, Phil Brooks from

OECA, and Josh Van Eaton from DOJ represented the team at the recognition ceremony this week.

Public Service Recognition Week: To mark Public Service Recognition week, OAR held an open house to thank staff for their work here at EPA.

OARM

Weekly Report 05/12/2017

Hot Issues

EPA Conference Center

OARM is working with the General Services Administration on the requirements to renovate the former William Jefferson Clinton East cafeteria into a state of the art conference center. This center will replace the Potomac Yard conference center. Employee input on design will be solicited using “GreenSpark”, which is an internal engagement program that invites employee-driven innovation. The work will be conducted in four phases:

1. Demolition of the kitchen equipment.
2. Demolition of the remaining area of the cafeteria,
3. Design including audio equipment, and
4. Construction of the conference center.

There will be minimal impact to employees during this project. OARM anticipates the center will open in less than two years.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Weeks Highlights

On April 20, 2017, the EPA Suspension and Debarment Program negotiated and executed an administrative agreement with Berkshire Power Company, LLC and EIF Berkshire Holdings, LLC. Berkshire Power Company was convicted of conspiracy to violate the Clean Air Act, and other criminal violations of that statute. The criminal conduct involved a scheme to evade compliance with the Clean Air Act by tampering with the Continuous Emissions Monitoring System, a system which continuously samples, measures and records the concentration of regulated air pollutants. Under the agreement, the company will implement a number of remedial measures and internal controls to ensure ethical business conduct and compliance with environmental laws. The three-year agreement effectively resolves the company's statutory disqualification that arose by operation of law under the Clean Air Act and ensures that the government's business interests are protected.

OEI

Weekly Report 05/12/2017

Upcoming Public Events

Open Call with Stakeholders on CROMERR Regulatory Reform Opportunities and Shared Services

Brief description: As part of EPA's implementation of President Trump's Executive Order 13777, "[HYPERLINK "<https://www.whitehouse.gov/the-press-office/2017/02/24/presidential-executive-order-enforcing-regulatory-reform-agenda>"]," OEI will be hosting an open call with Cross-Media Electronic Reporting Rule (CROMERR) stakeholders on Thursday, May 11, 2017 at 2:00 PM.

This is an opportunity for stakeholders impacted by the regulation to provide feedback on any modifications or improvements to CROMERR.

In addition to seeking stakeholder input, OEI staff will discuss CROMERR approval process improvements and shared services which reduce implementation burden for co-regulators.

EPA has sent meeting announcements to the Exchange Network community.

Who benefits or cares: EPA and EPA's state, tribal and local government partners.

Why this is important: CROMERR provides the legal framework for electronic reporting under EPA's regulatory programs. The Rule sets performance-based, technology-neutral system standards and provides a streamlined, uniform process for Agency review and approval of electronic reporting.

Additional information:

For more information, please refer to the meeting announcement posted on [HYPERLINK "<https://www.epa.gov/cromerr>"] or [HYPERLINK "<http://exchange.network.net/>"].

2017 Exchange Network (EN2017) National Meeting: Innovation and Partnership

Brief description: The E-Enterprise and Exchange Network Interoperability and Operations Team will convene [HYPERLINK "<http://www.exchangenetwork.net/meetings/>"], the 2017 Exchange Network National Meeting, May 16-18, 2017, at the [HYPERLINK "<https://www.starwoodmeeting.com/events/start.action?id=1605130702&key=138A42C>"] in Philadelphia. [HYPERLINK "<http://www.exchangenetwork.net>"] is a partnership among co-regulators from states, tribes, territories and the EPA that drives innovation and efficiency in environmental management through information technology and information management (IT/IM).

The theme for EN2017 is “Innovation and Partnership.” During the Meeting, the following examples will be explored:

How innovation can cross Federal, State, Territorial, and Tribal boundaries.

How working creatively together as Partners can identify innovative solutions.

How Partnerships are the new “best practice.”

How we can all employ innovation in our daily work.

Each year, Exchange Network partners gather to renew their commitment to collaborative governance and innovation.

This year’s meeting will feature public and private sector leaders and address topics such as adopting technology to modernize and transform the business of environmental management.

The program will also feature peer-to-peer learning opportunities and highly interactive discussion sessions.

Mike Flynn will give an update on the E-Enterprise/Exchange Network Vision during the General Session on Tuesday, May 16, 2017 (Opening Day).

Cecil Rodrigues, Acting Regional Administrator, EPA Region 3 will give opening remarks.

Who benefits or cares: States, Tribes, Territories, Citizens, EPA and the Environment.

Why this is important: The Exchange Network supports exchange of essential information among all states, more than 100 tribes, some territories, and EPA.

Additional information:

The meeting is sponsored and organized by the [[HYPERLINK "https://www.ecos.org/"](https://www.ecos.org/)] (ECOS) through a cooperative agreement with EPA.

OP

Weekly Report 05/12/2017

9960-75-Region 7	Notice of Approval of Underground Injection Control Program; Occidental Chemical Corporation, Wichita, Kansas
9959-91-OCSP	Flonicamid; Pesticide Tolerances
9960-50-OCSP	Fluazinam; Pesticide Tolerances
9962-07-Region 5	Air Plan Approval; Ohio; Volatile Organic Compound Control Rules
9962-01-Region 1	Air Plan Approval; NH; Nonattainment New Source Review and Prevention of Significant Deterioration Permit Program Revisions; Public Hearing Revisions for State Permitting Programs; Withdrawal of Permit Fee Program; Infrastructure Provisions for National Ambient Air Quality Standards
9962-02-Region 1	Air Plan Approval; NH; Nonattainment New Source Review and Prevention of Significant Deterioration Permit Program Revisions; Public Hearing Revisions for State Permitting Programs; Withdrawal of Permit Fee Program; Infrastructure Provisions for National Ambient Air Quality Standards
9961-96-Region 6	Proposed NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico (GMG290000)
9961-94-OCSP	Receipt of Information Under the Toxic Substances Control Act
9961-93-Region 10	Approval and Promulgation of Implementation Plans; Alaska: Infrastructure Requirements for the 2010 Nitrogen Dioxide and 2010 Sulfur Dioxide Standards
9961-88-Region 4	Air Plan Approval; TN: Non-interference Demonstration for Federal Low-Reid Vapor Pressure Requirement in Shelby County

9961-87-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Infrastructure Requirements for the 2012 Fine Particulate Standard
9961-78-Region 9	Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada
9961-79-Region 9	Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada
9961-73-Region 4	Air Plan Approval; North Carolina Repeal of Transportation Facilities Rules
9961-74-Region 4	Air Plan Approval; North Carolina Repeal of Transportation Facilities Rules
9961-51-Region 10	Public Water Supply Supervision Program; Program Revision for the State of Idaho
9961-43-Region 4	Air Plan Approval; Georgia: Heavy Duty Diesel Requirements
9961-44-Region 4	Air Plan Approval; Georgia: Heavy Duty Diesel Requirements
9961-38-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Revisions and Amendments to Regulations for Continuous Opacity Monitoring, Continuous Emissions Monitoring, and Quality Assurance Requirements for Continuous Opacity Monitors; Correction
9961-33-OCSP	Access to Confidential Business Information by Artic Slope Mission Services, LLC
9960-67-Region 6	Approval and Promulgation of Implementation Plans; Oklahoma; Revisions to Minor New Source Review Permitting Program
9960-60-ORD	Ambient Air Monitoring Reference and Equivalent Methods: Designation of One New Equivalent Method
9960-42-Region 10	Air Plan Approval; ID, Updates to Incorporations by Reference
9960-43-Region 10	Air Plan Approval; ID, Updates to Incorporations by Reference
9960-31-OCSP	Certain New Chemicals; Receipt and Status Information for February 2017

9960-21-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs and Compliance Flexibility
9960-22-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs and Compliance Flexibilit
9960-15-Region 6	Direct Final Rule: Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statements
9960-14-Region 6	Proposal: Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance, Nonattainment New Source Review and Emission Statements
9959-94-OCSP	Access to Confidential Business Information by Artic Slope Mission Services, LLC
9959-88-OCSP	Access to Confidential Business Information by Versar, Inc. and its Identified Subcontractors
9959-56-OCSP	Access to Confidential Business Information by Eastern Research Group, Inc. and its Identified Subcontractors, Avanti Corporation and BeakerTree Corporation
9958-76-Region 2	Petition for Objection to State Operating Permit; NY; Seneca Energy II, LLC
9956-76-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Colorado
9956-77-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Vermont
9962-31-OCSP	Pesticides; Certification of Pesticide Applicators Rule Extension of Effective Date
9960-68-Region 2	Approval and Revision of Air Quality Implementation Plans; State of New York; Regional Haze State and Federal Implementation Plans
9961-91-Region 4	Air Plan Approval; Kentucky; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard
9961-89-Region 4	Air Quality Plans; Tennessee; Infrastructure Requirements for the 2012 PM2.5 National Ambient Air Quality Standard

9962-03-Region 1	2017 Spring Joint Meeting of the Ozone Transport Commission and the Mid-Atlantic Northeast Visibility Union
9962-08-Region 5	Air Plan Approval; Indiana; Commissioner's Order for Carmeuse Lime, Inc
9962-09-Region 5	Air Plan Approval; Indiana; Commissioner's Order for Carmeuse Lime, Inc
9962-10-Region 5	Air Plan Approval; Indiana; Commissioner's Orders for SABIC Innovative Plastics
9962-11-Region 5	Air Plan Approval; Indiana; Commissioner's Orders for SABIC Innovative Plastics
9960-84-OCSP	TSCA Reporting and Recordkeeping Requirements; Standards for Small Manufacturers and Processors; Reopening of Comment Period
9962-25-OAR	Determinations of Attainment by the Attainment Date, Determinations of Failure to Attain by the Attainment Date and Reclassification for Certain Nonattainment Areas for the 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards
9961-86-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Stage II Gasoline Vapor Recovery Requirements for Gasoline Dispensing Facilities
9961-86-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Removal of Stage II Gasoline Vapor Recovery Requirements for Gasoline Dispensing Facilities
9961-30-OCSP	Notice of Public Meeting and Opportunity to Comment
9959-69-OEI	Air Pollution Regulations for Outer Continental Shelf (OCS) Activities/ICR No.1601.09
9958-71-OCSP	Registration Review Draft Risk Assessments for Linuron and Several Pyrethroids; Re-Opening of the Comment Period
9961-16-Region 1	Air Plan Approval; CT; Infrastructure Requirement for the 2010 Sulfur Dioxide National Ambient Air Quality Standard
9961-25-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; New Regulations for Architectural and Industrial Maintenance Coatings
9961-24-Region 1	Air Plan Approval; ME; Motor Vehicle Fuel Requirements

9960-65- OCSPP	Chemical Data Reporting; Requirements for Inorganic Byproduct Chemical Substances
9961-17- Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2016 Nitrogen Oxides Averaging Plan Consent Agreement with Raven Power
9961-18- Region 1	Air Plan Approval; ME; Decommissioning of Stage II Vapor Recovery Systems
9961-21- Region 2	Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey
9959-68- Region 1	Air Plan Approval; NH; Infrastructure Requirements for the 2010 Sulfur Dioxide National Ambient Air Quality Standards

OGC

Weekly Report 05/12/2017

Hot Issues

A Notice of Intent (NOI), dated May 3, 2017, was received from the Idaho Conservation League, which expresses the intent to bring suit against the EPA for "systematically failing to undertake nondiscretionary duties and/or systematic unreasonable delay" in addressing the Agency's NPDES expired permit backlog in Idaho.

On May 3, 2017, the Center for Biological Diversity filed a complaint alleging that EPA failed to perform its mandatory duty to make final determinations as to whether the Philadelphia-Wilmington-Atlantic City and the Washington DC nonattainment areas attained the 2008 ozone NAAQS by their July 20, 2016 attainment dates.

On May 08, 2017, the Agency received a petition for review under Clean Water Act section 509 of a final response to petitions to withdraw approval of Alabama's NPDES program, filed on May 2 in the Court of Appeals for the Eleventh Circuit on behalf of seven environmental groups (*Cahaba Riverkeeper et al. v. Pruitt et al.*).

New Mexico has filed a motion in the U.S. Supreme Court for leave to file a bill of complaint against Colorado, seeking to hold Colorado liable under CERCLA, RCRA, and federal common law for the release of hazardous waste on August 5, 2015 from the Gold King Mine in Colorado. The Office of the Solicitor General anticipates filing its invitation brief by May 23, 2017, and a decision by the Court is anticipated by end of June 2017.

Upcoming Public Events in the Next Two Weeks

05/19 David Fotouhi, Deputy General Counsel, will be speaking at the American Bar Association's Section on Environment, Energy and Resources (SEER) Pesticide Chemical Regulation and Right to Know's (PCRRTK) Friday Breakfast Forum. David will speak on the administration's regulatory reform initiative, how it impacts EPA and EPA rulemakings past, present and future.

Upcoming Major Deadlines in the Next Two Weeks

05/12 Government's Motion to Dismiss is due in *Public Citizen v. Trump, et. al.*, a lawsuit with several causes of action including that EO 13771 violates: (i) separation of powers, (ii) the "take care" clause, and (iii) existing statutory directives by requiring ultra vires considerations in rulemakings, as well as that the OMB guidance is arbitrary and capricious

05/12 Response to Motion for Sanctions due where the complainant alleges that the EPA failed to timely issue its Final Agency Decision concerning the Complainant's discrimination complaint

05/12 EPA's response to plaintiff's settlement proposal is due in *James River Dischargers Coalition v. EPA*

05/12 EPA's response to plaintiff's settlement proposal in a challenge to EPA's 2010 Chesapeake Bay TMDL

05/15 EPA's Reply Brief for Motion to Dismiss or Transfer is due in *Southern Illinois Power Cooperative v. EPA*, a Petition for review of the Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard-Round 2

05/15 Comprehensive Description of Compliance Plan is due in *Murray Energy Corp. v. McCarthy*

05/15 Briefs Due Stating Position on Abeyance or Remand in *State of West Virginia, et al. v. EPA*, a Petition for review of EPA's final rule titled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units

05/15 Supplemental briefs are due in *State of North Dakota v. EPA*

05/15 A joint status report is due in *NRDC v. EPA*, a FOIA litigation related to EPA's oversight and monitoring of the Michigan Department of Environmental Quality (MDEQ) drinking water program and EPA's knowledge of or involvement in MDEQ's oversight of the monitoring, treatment, and public notification concerning lead in the drinking water in Flint, Michigan

05/15 Substantial completion of a document production is due in a FOIA case concerning EPA's registration of Enlist Duo

05/16 A joint briefing schedule is due in *Judicial Watch, Inc. v. EPA*, a FOIA litigation related to the alleged failure to respond to a FOIA request for certain records relating to the use and approval of a messaging application called "Signal" from July 2014 to the present

05/16 EPA must file its response to petitioner's motion for rehearing *en banc* in *Center for Regulatory Reasonableness v. EPA*

05/17 The Government's Brief is due in *U.S. v. Volkswagen AG*, a case where a private citizen is appealing the denial of his motion to intervene in the US enforcement action

against VW (district court denied on the ground that he was trying to bring different claims)

05/17 EPA's response is due in *SCST Engineering v. EPA*, a GAO protest where the protestor alleges that the Agency improperly removed SCST from the competition for a Superfund design and engineering services contract

05/18 Response to Sierra Club's motion to intervene in Wyoming's challenge of transport SIP approval/disapproval is due

05/18 Deadline for EPA to file Motion for Reconsideration of June 2nd filing deadline for Certified Index to the Administrative Record as to email record documents, regarding EPA's registration of "Enlist Duo" under FIFRA

05/19 Answer due in *Bill Green v. EPA*, where the plaintiffs allege a failure to respond to petition requesting that the Administrator object to the Title V operating permit for the U.S. Department of Energy Hanford Site

05/19 Answer or Motion to Dismiss is due in *Confederated Tribes and Bands of the Yakama Nation v. Air Liquide America Corp., et al.*, a CERCLA 107(a) cost recovery action against defendants, including the United States (U.S. Corps of Engineers and U.S. Coast Guard), at the Portland Harbor NPL Site

05/19 EPA's Response to Motion to Set Aside Consent Decree and Petition for Restitution is due in *U.S. v. Conner*

05/19 EPA must file its answer in *Anacostia Riverkeeper v. Pruitt*, a challenge to EPA R3's revised approval of DC/MD TMDL for bacteria for the Potomac River

05/22 EPA's Amended Answer is due in *PEER v. EPA*, a FOIA case concerning the Office of Water's (OW) response to multiple FOIA requests seeking certain records relating to a Draft Protective Action Guide (PAG) for Drinking Water

05/22 EPA must file a reply to its motion for a stay of district court's order that EPA approve/disapprove West Virginia's constructive submission no TMDLs for waters with biological impairments in *Ohio Valley Environmental Coalition v. Pruitt*

05/23 Petition for Writ of Certiorari asking for review of D.C. Circuit decision upholding EPA's treatment of malfunctions in the air toxics standards for major and area source boilers is due in *American Municipal Power v. EPA*

- 05/24 EPA's Reply to Appellant's Opposition to EPA's Motion for Summary Affirmance is due in *Hall & Associates v. EPA* (pending court order) in FOIA litigation concerning an EPA Clean Water Act determination to impose an effluent limitation for total nitrogen on certain New Hampshire publicly owned treatment works
- 05/24 EPA's response brief is due in *CLF v. EPA*, an appeal of dismissal of citizen suit complaint alleging nondiscretionary duty for EPA to issue NPDES permits for stormwater discharges identified in TMDLs in Rhode Island
- 05/25 Motion to Govern due in *State of Texas, et. al v. EPA*, a petition for review of EPA's final rule titled "Protection of Visibility: Amendments to Requirements for State Plans"
- 05/25 Hearing on EPA's Motion for Stay and Referral in *NRDC, et al v. Pruitt*, a mandatory duty lawsuit alleging that California water rights permit decisions are new and revised CWA WQS
- 05/26 Answer due in *Sierra Club v. EPA*, a case concerning Clean Air Act deadlines related to Commercial and Industrial Solid Waste Incinerators and other categories of Solid Waste Incinerators
- 05/26 EPA's Renewed Motion for Summary Judgment is due in *Pulliam v. EPA*, a FOIA litigation concerning an OIG failure to respond to a request seeking documents related to a possible investigation of Christine Todd Whitman
- 05/26 EPA's Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment is due in *Energy & Environment Legal Institute v. EPA*, a FOIA litigation concerning EPA's registration of Enlist Duo – an herbicide developed for use on genetically engineered corn and soybean crops

Last Week Highlights

On May 8, Judge Chesney of the Northern District of California issued an order concerning litigation regarding two neonicotinoid pesticides, clothianidin and thiamethoxam. The judge ruled in favor of EPA on the FIFRA and APA issues, but ruled against the Agency on ESA issues. The court found that EPA had an obligation to consult with the FWS regarding certain pesticide product registrations.

OGC and Region 4 had a positive meeting with the Director and key staff of the Alabama Department of Environmental Management. The Acting General

Counsel and senior staff travelled to Alabama to discuss the possibility of a collaborative path forward on pending Title VI complaints regarding ADEM.

The United States entered into a settlement agreement with the Pebble Partnership regarding a potential mine in Bristol Bay, Alaska. In exchange for initiating proceedings to withdraw a proposed determination and providing Pebble time to file a permit application and pursue a permit with the Army Corps of Engineers, Pebble agreed to dismiss all of its lawsuits, withdraw all of its FOIA requests, not file additional FOIA requests, not challenge the agency's use of the Bristol Bay Watershed Assessment, and pay its own costs.

OCSPP

Weekly Report 05/12/2017

Important deadlines

TSCA New Chemicals Determinations

Determination Type	Pending on 5/2/2017	Pending on 5/9/2017	Determinations Completed* as of 5/2/2017	Determinations Completed* as of 5/9/2017
# of "not likely" determinations	-	-	81	84
# of §5(e) Orders signed by both EPA and the submitter	-	-	168	171
# of §5(e) Orders signed by EPA and awaiting submitter signature	36	50	-	-
# of cases in Order development process	289	279	-	-
# of cases flagged for in-depth review	106	107	-	-
# of PMNs awaiting FOCUS (within 90- or 30-day review)	56	45	-	-
# of LVE/LOREX exemption grants	-	-	240	251
# of LVE/LOREX exemption denials	-	-	204	213
Total number of cases	487**	481**	693	719
Backlog	187	181	-	-

* "Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

** Of these cases, approximately 300 cases are the normal active workload for the New Chemicals Program.

Hot Issues

TSCA Framework Rules on Prioritization & Risk Evaluation

OCSPP is meeting with OMB on May 12 to discuss upcoming expedited interagency review. The rules will undergo expedited Final Agency Review next week, with submission to OMB to follow shortly thereafter.

Response to NASDA's Request to Extend Implementation of Revised Provisions to the Agricultural Work Protection Standard Rule (WPS)

OCSPP has signed a letter granting NASDA's request to extend the implementation of all revised provisions to the Agricultural WPS rule until the necessary guidance and training materials have been completed which would allow state pesticide agencies to successfully implement the rule changes. Next Steps: We will soon begin the regulatory process to formally extend the compliance date for all revised provisions of the WPS.

UPCOMING PUBLIC EVENTS

May 15 - OCSPP's Office of Pollution Prevention and Toxics will host the Safer Choice Partner of the Year Awards in Oxon Hill, Maryland. Winners demonstrated outstanding achievement in 2016 for the design, manufacture, and promotion of cleaning and other products that carry the Safer Choice label for use in households and facilities nationwide. This year's Partner of the Year award winners represent a wide variety of leadership organizations, from across 17 states and the District of Columbia. Participants include Fortune 500 companies, small- and medium-sized businesses, and non-governmental organizations.

May 16 – Wendy Cleland-Hamnett will participate as a guest speaker at the Consumer Specialty Products Association (CSPA) Mid-Year Meeting in National Harbor, MD, speaking about OCSPP priorities for the coming year and plans for implementing the recent TSCA amendments. Approximately 150 CSPA member companies, including small and medium-sized businesses, are expected to be in attendance.

May 17- The Office of Pesticide Programs will speak at the American Mosquito Control Association's (AMCA) Annual Conference in Washington, D.C. OPP staff are scheduled to present on risk assessments currently being conducted for several pesticides used for mosquito control; and, will provide a general overview of the Endangered Species Act pesticide consultation process.

May 24 - EPA will hold a public meeting to discuss approaches and obtain feedback on assigning and applying unique identifiers when a confidential business information (CBI) claim for chemical identity is approved.

UPCOMING DECISIONS

Taking Public Comment on Extending the Effective Date for the Certification of Pesticide Applicators Rule

On May 15, a Notice will be issued in the Federal Register requesting comment to extend the effective date of the certification of pesticide applicators rule (C&T) by 12 months. We will be taking comment for 5 days. The final C&T rule (issued January 4, 2017)

revises regulations concerning the certification of pesticide applicators who apply restricted use pesticides.

LAST WEEK HIGHLIGHTS

CDR Requirements for Inorganic Byproduct Chemical Substances, Public Meeting

The Lautenberg amendments to TSCA require EPA to implement a process of negotiated rulemaking on changes to Chemical Data Reporting (CDR) requirements to reduce burdens of reporting for inorganic byproducts. On May 9-10, OCSPP held a public meeting prior to the establishment of the negotiated rulemaking committee in order to exchange information and clarify a number of aspects of inorganic byproduct identification and reporting.

Effective Date of Nanotechnology Reporting and Recordkeeping Rule

On May 8, 2017, OCSPP extended the effective date of the recently-issued TSCA section 8(a) Nanotechnology Reporting and Recordkeeping Requirements Rule from May 12, 2017 to August 14, 2017. This rule establishes reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale as described in the rule. OCSPP will also be asking the public for input on its draft guidance document for the rule. This guidance provides answers to questions the Agency has received from manufacturers (includes importers) and processors of certain chemical substances when they are manufactured or processed at the nanoscale, as described in the final rule issued January 12, 2017.

Comment Period Reopened on Need for Revision of Small Business Definition

As required by section 8(a)(C) of the amended Toxic Substance Control Act (TSCA), in December OCSPP requested public comment on the standards for “small manufacturers and processors” used in connection with reporting regulations under TSCA section 8(a). Specifically, OCSPP was seeking input on whether a revision of the existing standards is warranted. “Small manufacturers and processors” are exempt from certain reporting requirements under TSCA. OCSPP has also consulted with the Small Business Administration (SBA) on this matter. In order to provide adequate opportunity for the public to consider the results of EPA’s consultation with SBA, OCSPP reopened the comment period on May 9.